



NEWSLINE

*An Official Publication of the Tennessee Auctioneer Commission
Tennessee Department of Commerce and Insurance*



Volume XXX

March 2004

IN THIS ISSUE

PAGE 1

Chairman's Report

PAGE 2

Recipical Information
Address Changes

PAGE 3

Disciplinary Corner
Inspection Checklist

PAGE 4

Free Seminar

Chairman's Report

by James "Jay" Whirley, Chairman

The Spring season typically motivates sellers to schedule their auctions to take advantage of the best dates. Auctioneers look forward to an active business cycle when the weather clears and the warmer temperatures arrive. I hope all of you have a good Spring auction season.

This first quarter of 2004 has been a typical business cycle for the Tennessee Auctioneer Commission. The Commission has been busy dealing with a wide variety of complaints and law violations. It is evident from our open violation files that some of our licensees do not understand the difference between the advertising and requirement guidelines, for reserve auction and absolute auction. The TAC continues to work with our legal staff to deal with those violating the Auctioneer Licensing Law. The TAC generally has 20 to 40 complaints pending during most months.

The TAC investigator will be making spot audits of firms to determine if firms are adhering to the law. When the investigator comes to your place of business he will be interested in reviewing and confirming the following items:

- Proof of an active Escrow or Trust Account.
- Checking files to make sure you have the properly signed contract in file.
- Making sure you are adequately displaying your firm, auctioneer and apprentice licenses.
- Making sure your signage is proper for your business location.

If the TAC investigator comes to your place of business we ask that you cooperate with him.

Despite budget constraints in all areas of government, the TAC continues to provide licensees six hours of free continuing education each year. The TAC offers CE classes three times each year in East, Middle and West Tennessee. We encourage you to attend these seminars to receive your CE credit. These seminars also offer you an opportunity to keep up with the latest issues with regard to auctioneers in this state.

See you at the next continuing education program.

COMMISSION MEMBERS AND STAFF

Jay Whirley, Chairman

Term 11/30/00 - 8/31/04

Terri Walker, Board Member

Term 9/1/02 - 8/31/05

Howard Phillips, Board Member

Term 9/1/03 - 8/31/06

Charles Woodard, Board Member

Term 9/1/01 - 8/31/04

James Brock, Consumer Member

Term 9/1/01 - 8/31/04

Lynn McGill, Administrative Director

lynn.mcgill@state.tn.us

Sandra Cooper, Administrative Assistant

sandra.k.cooper@state.tn.us

Dennis Hodges, Investigator

dennis.hodges@state.tn.us

website: www.state.tn.us/commerce/boards/auction

MISSION STATEMENT:

The mission of the Tennessee Auctioneer Commission is to protect the public and licensees by monitoring the auctioneer profession through licensure and regulation.

STATE OF TENNESSEE

DEPARTMENT OF COMMERCE & INSURANCE

TENNESSEE AUCTIONEER COMMISSION

500 JAMES ROBERTSON PARKWAY

DAVY CROCKETT TOWER, 6TH FLOOR

NASHVILLE, TENNESSEE 37243-1152

615-741-3236

615-741-1245 (Fax)

www.state.tn.us/commerce/boards/auction

Current Reciprocal Information

Auctioneer must be domiciled in a reciprocal state:

To receive a reciprocal license, complete and submit to the Tennessee Auctioneer Commission:

- a.) Application for Auctioneer License
- b.) Consent for Service of Jurisdiction
- c.) Applicant Affidavit
- d.) Letter of Good Standing from Reciprocal State

Copy of Driver License and a current Photo (2"x3")

Auctioneer must show that he/she is affiliated with a Tennessee licensed firm. Proof can include:

- a.) The Tennessee licensed firm you will be affiliated with, submit a letter acknowledging you are employed by said firm as an auctioneer, or
- b.) Obtain an auction firm license by:
 - i.) Completing an Application for Firm License
 - ii.) Bank must complete Escrow Account Form

Submit Payment of License Fees to the Tennessee Auctioneer Commission.

Reciprocal amounts are based upon the fees charged by the reciprocal state or the State of Tennessee whichever fee is greater.

Unless all questions are fully answered, application will be returned for correction. Should you have any questions, please contact this office at (615) 741- 3236.

(Forms may be downloaded from website:

www.state.tn.us/commerce/boards/auction)

AUCTIONEER STATE LICENSING BOARDS

(Reciprocating with Tennessee Auctioneer Commission)

Arkansas Auctioneers Licensing Board
E-Mail: betty.king@mail.state.ar.us

Florida Dept. of Regulation, Board of Auctioneers
Web Site: www.state.fl.us/dbpr/pro/auct/auc_index.shtml

Georgia Auctioneers Commission
Web Site: <http://www.sos.state.ga.us/plb/auctioneer/>

Indiana Auctioneer Commission
Web Site: <http://www.in.gov/pla/bandc/auction/>

Office of Banks & Real Estate-Auction Division
Web Site: www.obre.state.il.us

Kentucky Board of Auctioneers
Web Site: <http://auctioneers.state.ky.us>

Louisiana Auctioneers Licensing Board
E-Mail: auctionboard@eatel.net

Mississippi Auctioneers Commission
E-Mail: auction@netdoor.com

North Carolina Auctioneer Licensing Board
Web Site: www.ncalb.org

Ohio Dept. of Agriculture Enforcement Division
Web Site: www.state.oh.us/

State Board of Auctioneer Examiners/Pennsylvania
E-Mail: auctione@pados.dos.state.ps.us

State of South Carolina Dept. of Labor Licensing
<http://www.llr.state.sc.us/POL/Auctioneers/>

Texas Dept. of Licensing & Regulation
Web Site: www.license.state.tx.us

State of West Virginia Dept. of Agriculture
E-Mail: rmorgan@ag.state.wv.us

Department of Profession & Occupational Regulations
<http://dit14.state.va.us/dpor/indexne.html>

State of Wisconsin Department of Regulation & Licensing
Website: www.drl.state.wi.us/Regulation/licensee_services/auctioneers/auc901.htm

Office of Consumer Affairs and business
Regulations Division of Standards
<http://www.state.ma.us/standards/license.htm>

Request for Correct Address

Connie Alford
Roger Clay Armstrong
Billy Wallace Ball
Nelson A. Bandy
Roy F. Boyd
James E. Bramblett
Benjamin J. Cannon
John C. Changas
Copart of Tennessee
Roscoe Cox
Terry L. Cutshall
D & L Auction & Sales
Charles E. Daniel
John R. Daniel
Chris Dotson
Carolyn A. Eastes
Harold G. Edwards
Elite Auction Sales
Donald R. Goff
Aaron Greene
Kim H. Hagen
Marvis B. Harris
Lucian C. Haynes
Anthony S. Hitt
Jackie Hitt
Stacey M. Hitt
Ronnie Serrell Horton
Auction Gallery & Market
Robert C. Irwin

J & M Auction Gallery
& Flea Market
Ajar Johnson
Nicholas J. Johnson
Bobby Keith
Ronald H. Kimbro
Brenda Lindsey
Patricia E. McAtee
Sherrill B. McKennon
William O. McLengre
Steve Andrew Oliveira
L. C. Osborne
Pigeon Forge Auctions LDT
Re/Max Auctioneers, Inc.
Ronald Roach
Farris D. Sansom, Jr.
Hilton A. Seay
Titan Auction Co.
Trenton Horse Sales
Tri County Sales
Frank Trunzo
Erik M. Twin
Tony Watson
Michael J. Welch
Jimmy West
Brian Keith Williams
Barry Wood

Disciplinary Corner

The following is a report of disciplinary and other actions taken by the Commission over the last few months. These cases have been investigated and closed and are now part of the public record.

Although every effort is made to ensure that the information is correct, you should check with the Commission to assure accuracy.

Nashville Powersport Auction

\$500.00 Paid Consent Order

Respondent ran an advertisement that was in violation of 0160-1-.20 ADVERTISING GUIDELINES. (2) False, deceptive, misleading and untruthful advertising is expressly prohibited. Any advertisement or advertising shall be deemed to be false, deceptive, misleading or untruthful, if it: (b) is misleading or deceptive because in its content or in the context in which it is presented, it makes only a partial disclosure of relevant facts.

The Antiques Parlor Auction House

\$100.00 Paid Agreed Citation

Respondent ran an advertisement that was in violation of 0160-1-.20 ADVERTISING GUIDELINES. (1) Advertising in any form that is designed to give notice of an upcoming auction must include the name and license number of the auction firm or gallery responsible for holding the sale.

Alfred A Robinson Company

\$500.00 Agreed Citation issued.

Appealed before the Board. Dismissed. Respondent ran an advertisement that was in violation of 0160-1-.20 ADVERTISING GUIDELINES. (4) Any advertising or advertisement purporting or suggesting that an auction sale is being held in conjunction with or as a result of a bankruptcy proceeding, or that items to be sold at auction were previously purchased in connection with a bankruptcy proceeding shall contain the bankruptcy court case number assigned by the court of jurisdiction for such proceeding.

Joanna Taylor

\$1,500.00 Citation issued.

Appealed before the Board. Dismissed. Respondent conducted auction activity before being properly licensed as a firm/gallery. Tennessee Auctioneer Commission Law, § 62-19-102.(a)(1) It is unlawful for any person to: (1) Act as or advertise or represent to be, an auctioneer, apprentice auction-

eer, or firm without holding a valid license issued by the commission under this chapter or prior state law: rule 0160-1-.11.

Jody L Jackson

\$500.00 Citation issued. Appealed. Dismissed.

Respondent conducted auction activity before being properly licensed as an apprentice auctioneer. Tennessee Auctioneer Commission Law, § 62-19-102.(a)(1) It is unlawful for any person to: (1) Act as or advertise or represent to be, an auctioneer, apprentice auctioneer, or firm without holding a valid license issued by the commission under this chapter or prior state law: rule 0160-1-.11.

Inspection Checklist

by Dennis Hodges

The checklist shown below should be used for onsite inspections/investigations.

The following items should be kept in auction sale files whether the sale is personal property or real estate:

| | |
|-----------------------------|--|
| Contract(s) for the auction | This is to be completed with the appropriate signatures prior to the auction |
| Consignment sheets | If there are any consignments |
| Closing statement | Rip tickets are not closing statements |
| Advertisement(s) | Not required but could be helpful |
| Escrow information | Deposits into and dispersals from (should be made available if not kept in the auction file) |

Seminar Set for March 18, 2004

The next scheduled Free Seminar provided by the Tennessee Auctioneer Commission will be held on March 18, 2004 at the Cool Springs YMCA facilities located in Brentwood, Tennessee. Our speaker will be Larry Brandon, Attorney at Law, from Murfreesboro, Tennessee.

Larry Brandon, an Assistant Professor at Middle Tennessee State University, attended Nashville Auction School and received his license in 1984. Larry will be speaking to us concerning estates.

Facts at a Glance...

Date: Thursday, March 18, 2004

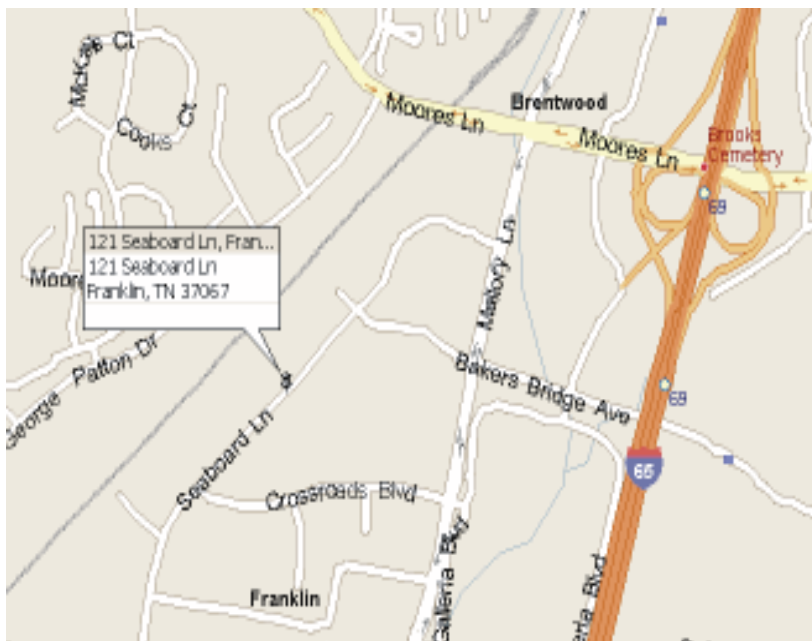
Time: 8:00 a.m.

Place: Cool Springs YMCA
121 Seaboard Lane,
Franklin, TN
615-661-4200

Topic: "Aspects of Estates"

Credit 6 hours auctioneer credit

Pre-registration: None



TENNESSEE DEPARTMENT OF COMMERCE AND INSURANCE AUTHORIZATION No. 335170, Revised 5/96. This public document was promulgated for 13,200 copies per issue, at a cost of 26 cents per copy, paid by the Tennessee Auctioneer Commission Education and Recovery Fund.

"The Tennessee Department of Commerce and Insurance is committed to principals of equal opportunity, equal access, and affirmative action." Contact the EEO Coordinator or ADA Coordinator (615) 741-2177 (TDD).

PRESORTED
FIRST-CLASS MAIL
U.S. Postage PAID
Columbia, TN 38401
Permit No. 710

STATE OF TENNESSEE
DEPARTMENT OF COMMERCE & INSURANCE
TENNESSEE AUCTIONEER COMMISSION
500 JAMES ROBERTSON PARKWAY
DAVY CROCKETT TOWER, 6TH FLOOR
NASHVILLE, TENNESSEE 37243-1152
615-741-3236 615-741-1245 (Fax)
www.state.tn.us/commerce/boards/auction